

REMARKS/ARGUMENTS

The Office Action mailed April 7, 2006, has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

The rejection of claim 6 for indefiniteness has been addressed by amending the dependency of claim 6 so that it depends from independent claim 2. Accordingly, further comment on this rejection is not believed necessary.

Claims 1-7 were rejected as being anticipated by U.S. Patent No. 6,520,367 (Piroch). This rejection is respectfully traversed. Without conceding the propriety of this rejection, claim 1 has been canceled, and claim 2 has been rewritten in independent form including additional features. Claim 2 now recites that a bottom outer wall of the case is formed to have a slope in order to be directed upward, and that the hinge is provided at a top portion of the side wall which has the minimum height of the case. Referring, for example, to Figs. 7 and 9 of the present specification, it can be seen that the case (11) has a slope and therefore it has a short side and a long side. Accordingly, if the case (11) is attached to the external supporting body (20) the case (11) is formed so that the opening is inclined toward the upper portion. Thus, a user such as a vehicle driver can easily pull out or remove the contents from the gum receptacle. A benefit to providing the hinge at the short side of the receptacle, as recited in amended claim 2, is that the lid (12) is opened in an upward direction and closed in a downward direction. Thus, it is possible that a driver can remove the contents from the gum receptacle while driving and close the lid (12) in a more convenient position than would be provided in the Piroch device if it were to be modified to have a sloped bottom wall, as also recited in claim 2. The claim structure allows the lid to be closed by applying a force in a downward direction using a finger, even when the apparatus has an angled or sloped bottom, as shown in Figs. 7 and 9.

Piroch does not teach or suggest a container having a sloped bottom wall with a short side and a long side, so that the case can be generally directed upwards, and have a hinge on the short

wall as recited in amended claim 2. Piroch further does not provide for an inclined opening which facilitates the user reaching into the container, combined with a lid that is hinged from the short side of the container so that it can be operated by pushing upwardly and downwardly in a convenient fashion.

Entry of this Amendment after Final Rejection is respectfully requested. No new claims are added and two claims are canceled. It is believed that consideration of this Amendment would not entail undue consideration or burden on the part of the Examiner.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

No fees are deemed necessary; however, please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87408.1500.

Respectfully submitted,

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